

Coastal Zone Consistency Certification

I-64 Capacity Improvements — Segment II

Newport News, York and James City County, Virginia

State Project No.: 0064-965-264, P101, R201, C501, B627, B628, B629, B630, B631, B632, B633, B634, B635, D603, D604, D605, D606, D607 D608

Federal Project No.: IM-965-5(086)

Contract ID No.: C00106665DB82

Prepared for

Virginia Department of Environmental Quality

Office of Environmental Impact Review

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Environmental, Engineering and Educational Solutions

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Exhibits

Exhibit 1:	Project Location Map
Exhibit 2:	Project Overview and Index Map Location
Exhibit 3:	U.S. Geological Survey Topographic Map
Exhibit 4	Hydrologic Unit Code Map
Exhibit 5	Jurisdictional Waters of the US Mapping (including wetlands)

1.0 INTRODUCTION

This document provides a Consistency Certification and necessary data and information under Coastal Zone Management Act (CZMA) Section 307(c)(3)(A) and 15 CFR Part 930, subpart D, for the I-64 Capacity Improvements – Segment II Project (the Project) located in James City and York Counties, and the City of Newport News, Virginia. Projects located within the Coastal Zone Management Area in Virginia which are, at least in part, federally funded or require federal approval must undergo a federal consistency certification process. This document provides the Joint Permit Applicant's (Allan Myers VA, Inc.) certification that the Project is designed to avoid and/or minimize impacts to specific coastal resources as identified by enforceable policies related to fisheries, subaqueous lands, tidal and non-tidal wetlands, dunes, non-point and point source pollution control, shoreline sanitation, air pollution, and land management. In Virginia, the Virginia Department of Environmental Quality (VDEQ) is responsible for coordinating the Commonwealth's review of federal consistency determination and certification with the appropriate agencies and responding to the appropriate federal agency or applicant.

This document was prepared by EEE Consulting, Inc. on behalf of the Applicant.

1.1. Applicant's Certification:

Alan Myers VA, Inc. certifies that the proposed activity complies with the enforceable policies of Virginia's Coastal Zone Management Program and will be conducted in a manner consistent with the Virginia CZM Program.

Name: Tom Heil

Signature:  07-06-16

Company: Allan Myers VA, Inc.
Address: 8525 Bell Creek Road
City/State/Zip: Glen Allen, VA 23059

1.2. Preparer's Certification

I certify that I have personally examined and am familiar with the information submitted in this application and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

Name: Douglas R. Fraser, P. G.

Signature: *Doug Fraser* July 1, 2016

Virginia Professional Certification Type and Number: PG 707

Company: EEE Consulting, Incorporated

Address: 8525 Bell Creek Road

City/State/Zip: Mechanicsville, Virginia 23116

To the best of our knowledge, information provided by others is true and accurate, unless otherwise noted. EEE shall incur no liability resulting from information supplied by others.

2.0 PROJECT DATA AND INFORMATION:

2.1. Federal and State Permit Requirements

The Project will result in unavoidable impacts to Waters of the US, including wetlands, regulated under the Clean Water Act (CWA). A Joint Permit Application will be prepared and submitted to the Virginia Marine Resources Commission (VMRC), the VDEQ, and the U.S. Army Corps of Engineers (USACE) for unavoidable impacts to Waters of the US under Sections 404 and 401 of the CWA. None of the stream crossings within the project area have a drainage area exceeding five-square miles and none of the crossings are aerial crossings for structures or utilities. Accordingly, a VMRC Subaqueous Bed Permit is not required. Permits to implement the Project as proposed are anticipated to be the VDEQ Water Protection General Permit 3 (Linear Transportation) and a USACE Individual Permit.

2.2. Project Information and Environmental Management

The I-64 Segment II Capacity Improvements Project (Project) is the second segment of a 75-mile section of I-64 between Richmond, Virginia to Hampton, Virginia that will undergo capacity improvements. The entire 75-mile I-64 corridor was evaluated with a Final Environmental Impact Statement (FEIS) completed in 2013. The Project is located on I-64 from approximately 1.05 miles west of Route 199 (Humelsine Parkway/Marquis Center Parkway) to approximately 0.54 miles east of Route 238 (Yorktown Road) in Newport News, York County and James City County, Virginia (Exhibit 1).

The Project includes widening of the existing interstate to a 3-lane section from the point where the I-64 Segment I project ends to the west for approximately seven miles. Improvements include travel lane reconstruction and addition, shoulder widening/strengthening, repair/widening of nine bridges and six box culverts, acceleration/deceleration lane extension, and construction of stormwater management facilities. Additional right-of-way (ROW), and construction and drainage easements will be required to complete the Project.

The Project area is defined as the existing VDOT right-of-way (ROW), additional ROW, and acquired Project easements which may be disturbed during construction of the Project improvements. The Project area occupies approximately 480 acres of ROW including the following interchange ramps and medians: Exit 242 to Humelsine Parkway; Exit 243 to Route 143 (Merrimac Trail), US Highway 60 (Pocahontas Trail), and Busch Gardens Blvd; and Exit 247 east bound to Merrimac Trail, and west bound to Yorktown Road (Route 238) (Exhibit 1).

Exhibit 2 presents an overview of the Project Area on an aerial photograph, and the subdivision of the Project into four Sections. Exhibit 3 depicts the Project Area on a U.S. Geological Survey (USGS) Topographic Map.

The landscape in the Project Area is generally flat to gently rolling, with some drainage-ways and elevated bridge approach fills providing vertical relief of approximately 75 feet. The USGS topographic maps for the Williamsburg, Clay Bank, Hog Island, and Yorktown quadrangles (Exhibit 3) show that land along the Project corridor is generally gently sloping from approximately 90 feet AMSL at ridge tops to 40 feet AMSL in valleys. Habitats present include hardwood forest, mixed hardwoods/pine forests, scrub and successional areas (roadsides, highway medians, utility corridors), grassy areas (waysides and medians), and pavement. The Project Area lies both within the York River watershed (Hydrologic Unit Code [HUC] 02080107) and the Lower James River watershed (HUC 02080206), both within the larger Chesapeake Bay watershed. Hydrologic unit codes/watersheds located within the Project area are depicted on Exhibit 4.

The Project Area crosses the King Creek, Queen Creek, and Skiffes Creek Reservoir watersheds. Queen Creek and King Creek, Whiteman Swamp and Jones Mill Pond flow to the north towards the York River. Skiffes Creek and Skiffes Creek Reservoir flow to the south towards the James River. The watershed divide of the York River and the James River occurs approximately at the York County/James City County boundary along I-64 near the center of the Project Area.

The Project will be designed and constructed in full compliance with the environmental commitments for the Project as identified in the Final Environmental Impact Statement (FEIS) signed November 26, 2013, the Federal Highway Administration (FHWA) Record of Decision (ROD) dated June 8, 2015, and VDOT contract documents including the Right of Way (RW) Authorization (EQ-201); the Plans, the Specifications, and Estimates (PS&E) Re-evaluation Authorization (EQ-200); and the Environmental Certification/ Commitments Checklist (EQ-103).

The following environmental management strategies are being implemented for the Project:

- Accurately identify and evaluate environmental resources that occur within the Project limits
- Avoid, minimize, and mitigate environmental impacts to the greatest extent practicable
- Partner with regulatory agencies to secure permits
- Incorporate environmental commitments within design processes, plan preparation, preconstruction planning, and construction activities to ensure activities are conducted responsibly
- Maintain an environmental compliance program, including standards, procedures and audits by conducting staff training, site inspections, and records maintenance

The Interstate 64 Peninsula Study (I-64 Corridor from I-95 in Richmond to I-664 in Hampton) FEIS and other supporting documentation are found at:

http://www.virginiadot.org/projects/hamptonroads/i-64_peninsula_study.asp.

The FEIS notes that the Joint Permit Application process required for the Sections 401 and 404 of the CWA and VMRC permits address the resources and requirements associated with the CZMA Program. The FEIS and the FHWA Segment II ROD do not include a consistency determination for the entire I-64 Peninsula study area probably because the I-64 Improvements will be built in discrete segments.

3.0 POTENTIAL COASTAL EFFECTS OF THE PROJECT AND ASSOCIATED FACILITIES

This section presents an evaluation and findings relating to the probable coastal effects of the proposed project and its associated facilities to the relevant enforceable policies of the Virginia Coastal Zone Management Program.

3.1. Fisheries Management

The Project will not result in any direct or indirect impacts to finfish and shellfish resources and the promotion of commercial and recreational fisheries that are administered by the Marine Resources Commission (MRC) (Virginia Code §28.2-200 through §28.2-713) and the Department of Game and Inland Fisheries (DGIF) (Virginia Code §29.1-100 through §29.1-570). The Project does intersect the headwaters of Jones Millpond Creek, the Warwick River, and Skiffes Creek which have been identified as potential anadromous fish use areas downstream of the Project. No impacts to these fishery resources will occur from the Project. The Project will include additional stormwater management facilities that will result in net improvements to the quality of stormwater generated from the Project area.

3.2. Subaqueous Lands Management

As previously noted none of the stream crossings within the project area have a drainage area exceeding five-square miles, and no aerial crossings with structures or utilities will occur. Accordingly, a VMRC Subaqueous Bed Permit is not required.

3.3. Wetlands Management

As noted above the Project will result in unavoidable impacts to non-tidal Waters of the US including wetlands. The Project will not impact tidal wetlands.

The design engineer Rinker Design Associates (RDA) and EEE, in conjunction with Allan Myers (Applicant) have worked to avoid and minimize impacts to jurisdictional features. Avoidance and minimization of impacts are constrained by the applicable VDOT Road and Bridge Standards for the Project as well as certain National Environmental Policy Act (NEPA) commitments that stipulate certain design elements. Avoidance and minimization efforts primarily focused on constructing most of the capacity improvements in the median areas to avoid impacts to aquatic

resources located between the roadway and the ROW. Other avoidance & minimization efforts included:

- Minimizing the number of stormwater management (SWM) facilities and locating the SWM facilities outside of jurisdictional areas
- Minimizing impacts from SWM outfalls
- Retrofitting/rehabilitating existing culverts to maintain connectivity and hydrologic function, and to avoid culvert replacements and the associated impacts.
- Location and design of new culverts to minimize impacts
- Strategic use of retaining walls, and guard rails to reduce fill slopes

The follow presents a sequential documentation of potential impacts during the design phase that demonstrates the avoidance and minimization efforts:

FEIS (2013):

The FEIS estimated impacts to 4.0 acres of wetlands and 5,500 linear feet of streams in Segment II.

RFP Concept Plans:

In July 2015, VDOT estimated potential impacts to 1.18 acres of PFO wetlands and 958 linear feet of stream.

DB Technical Proposal:

RDA proposal design files provided for the Technical Proposal reduces wetland impacts by 75% and stream impacts by 33% from the VDOT RFP plans.

2016 EEE Field Delineation:

On March 11, 2016, EEE completed its field delineation of the Project area comprising approximately 480 acres of right-of-way (ROW), finding approximately 35 wetland systems and 9.32 acres of wetlands, and 26 channels comprising 5,759 linear feet of stream, and 10 jurisdictional ditches of 3,113 linear feet. These quantities were reported in the May 3, 2016 delineation report and Applicant's request for a Preliminary Jurisdictional Determination (PJD) from the USACE. The USACE issued a PJD for the Project area on July 1, 2016. EEE's field delineation identified significantly more jurisdictional features within the Project Area than was anticipated based on the FEIS and preliminary desktop mapping. Exhibit 5 shows the extent of the delineated jurisdictional features within the Project area.

May 20 2016 Pre-Application Meeting:

RDA and EEE held a pre-application meeting with the USACE and VDEQ on May 20, 2016 to present the project delineation and to discuss some major design variables, design constraints, and avoidance and minimization processes completed to date. The estimated unavoidable Project impacts based on the preliminary design files included approximately 1.49-acres of wetlands, 2,180 linear feet of stream, and 1,941 linear feet of jurisdictional ditches

Design refinements to further reduce impacts have continued since May 20, 2016, and are incorporated into the current plans and the JPA. These include:

- Use existing culverts and their current drainage pathway geometry to the maximum extent practicable
- Eliminating permanent fill impacts from stormwater ponds
- Minimizing construction access and easements impacts
- Reducing number and magnitude of permanent and temporary impacts by shifting construction easement limits and/or cut fill limits
- Use of mats and geofabric materials in lieu of temporary fills.
- Using culvert conveyances to temporarily divert stream flow to create dry working conditions on parallel culverts thereby maintaining aquatic life movement within the drainage
- Tying in stormwater facility outfall pipes at upland boundary of jurisdictional features

As presented in JPA, the Applicant has demonstrated continuing efforts to avoid and minimize impacts to WOUS on the Project to the maximum extent practicable. Currently, we are anticipating approximately 0.66 acres of unavoidable permanent wetland impacts and 358 linear feet of unavoidable permanent stream impacts.

3.4. Dunes Management

There are no dunes within the Project area subject to regulation under the Coastal Primary Sand Dune Protection Act.

3.5. Non-point Source Pollution Control

The Virginia Erosion and Sediment Control Law requires soil-disturbing projects to be designed to reduce soil erosion and to decrease inputs of chemical nutrients and sediments to the Chesapeake Bay, its tributaries, and other rivers and waters of the Commonwealth. This program is administered by the VDEQ (Virginia Code §62.1-44.15:51 et seq.).

The Project design plans, including the Erosion and Sediment Control (ESC) Plans, Stormwater Pollution Prevention Plan, and Post-Construction Stormwater Management (SWM) Plans have been prepared in accordance with:

- The Virginia Stormwater Management Program Regulations (9VAC25-870)
- The Virginia Stormwater Management Program (VSMP) General VPDES (Virginia Pollutant Discharge Elimination System (VPDES) Permit (VAR10) Regulations (9VAC25-880)
- Section 107.16 (e) of the most current VDOT Road & Bridge Standards
- VDOT Special Provisions for VPDES Construction Activities
- VDOT Special Provisions for SWPPP General Information Sheets
- SWPPP General Information Sheets
- VDOT Instructional and Information Memorandum (IIM) LD-242.4 Virginia Stormwater Management Program
- VDOT IIM-LD-246.3 Stormwater Pollution Plan

A VPDES Construction Permit (VAR10) will be obtained from the VDEQ by the construction Contractor(s). According to IIM-LD-242 and Section 107.16 of the Specifications, VDOT is responsible for securing VPDES Construction Permit coverage for all applicable land disturbing activities performed on VDOT ROWs or easements, including off-site support facilities that are located on VDOT ROWs or easements that directly relate to the construction site activity. Allan Myers Virginia, Inc. is responsible for securing VPDES Construction Permit coverage for support facilities that are not located on VDOT ROWs or easements.

3.6. Point Source Pollution Control

There are no point sources of pollution regulated under Section 402 of the CWA and administered in Virginia as the VPDES permit program within the Project area.

3.7. Shoreline Sanitation

The Project will not include the installation of septic tanks.

3.8. Air Pollution Control

As stated in the June 2015 FHWA Record of Decision for the Project, “the temporary air quality impacts from construction consist primarily of emissions produced by heavy equipment and vehicle travel to and from the site. Earthmoving and ground-disturbing operations would also generate airborne dust. Construction emissions are short-term or temporary in nature. In order to mitigate these emissions, construction activities would be conducted in accordance with Section 107.16(b)(2) of the VDOT's Road and Bridge Specifications.”

3.9. Coastal Lands Management

The Project will impact Chesapeake Bay Preservation Act Resource Protection Areas (RPAs) and Resource Management Areas (RMA) within VDOT's MS-4. To maintain conditional exemptions for transportation projects, construction activities within the limits of the RPAs and RMAs will be minimized to the extent practicable. All necessary erosion and sediment control measures and stormwater management facilities will be designed and constructed to minimize water quality impacts.

All land disturbing activity occurring outside of VDOT's MS-4 will comply with the locality's MS-4 requirements and Chesapeake Bay requirements. These land disturbing activities include, but may not be limited to, construction staging areas, materials stockpile or storage areas, disposal areas, borrow pits, and laydown yards.

The Applicant will also coordinate with the City of Newport News on all design elements which may affect the reservoirs located within the City of Newport News including Skiffes Creek Reservoir and the Lee Hall Reservoir.

4.0 STATE AND FEDERAL AGENCY CONTACT INFORMATION

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Prepared by JLL, 03-24-2016
Sources: 2000 Census TIGER Line Data, ESRI
Projection: NAD 1983 StatePlane Virginia South FIPS 4502 Feet

Proj# 16-002



EXHIBIT 1 PROJECT LOCATION MAP

I-64 CAPACITY IMPROVEMENTS - SEGMENT II
PROJECT: 064-965-264, RW-201, C-501, UPC 106665

0 0.5 1 2 Miles



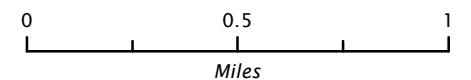
Prepared by JIL, 03-28-2016
Sources: SSURGO, VBMP 2013 Imagery
Projection: NAD 1983 StatePlane Virginia South FIPS 4502 Feet



Project Area

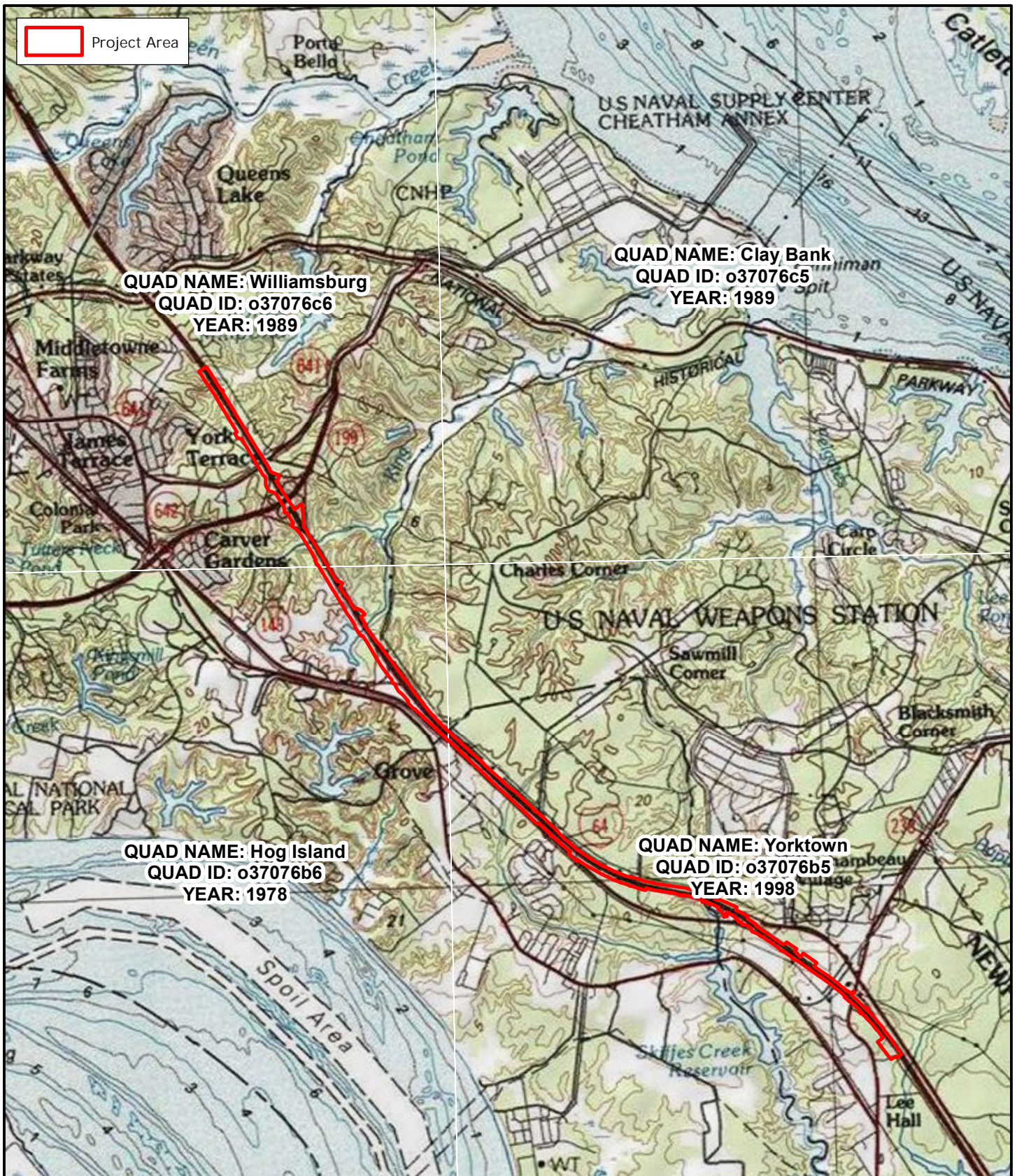
Construction Section

EXHIBIT 2
TRUE COLOR AERIAL IMAGE MAP
I-64 CAPACITY IMPROVEMENTS - SEGMENT II
PROJECT: 064-965-264, RW-201, C-501, UPC 106665





Project Area



QUAD NAME: Williamsburg
QUAD ID: o37076c6
YEAR: 1989

QUAD NAME: Clay Bank
QUAD ID: o37076c5
YEAR: 1989

QUAD NAME: Hog Island
QUAD ID: o37076b6
YEAR: 1978

QUAD NAME: Yorktown
QUAD ID: o37076b5
YEAR: 1998

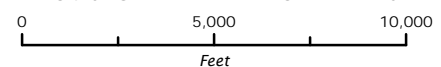


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EXHIBIT 3
USGS TOPOGRAPHIC QUADRANGLE

164 SEGMENT II IMPROVEMENTS



Prepared by JIL, 03-24-2016
Sources: USGS Topo Quads Williamsburg, Clay Bank, Hog Island, Yorktown
Projection: NAD 1983 StatePlane Virginia South FIPS 4502 Feet

Proj# 16-002

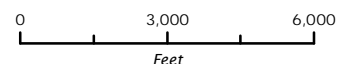


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Prepared by JIL, O+I \$9 &\$%
Sources: USGS Topo Quads Williamsburg, Clay Bank, Hog Island, Yorktown
Virginia Department of Conservation and Recreation
Projection: NAD 1983 StatePlane Virginia South FIPS 4502 Feet

Proj# 16-002

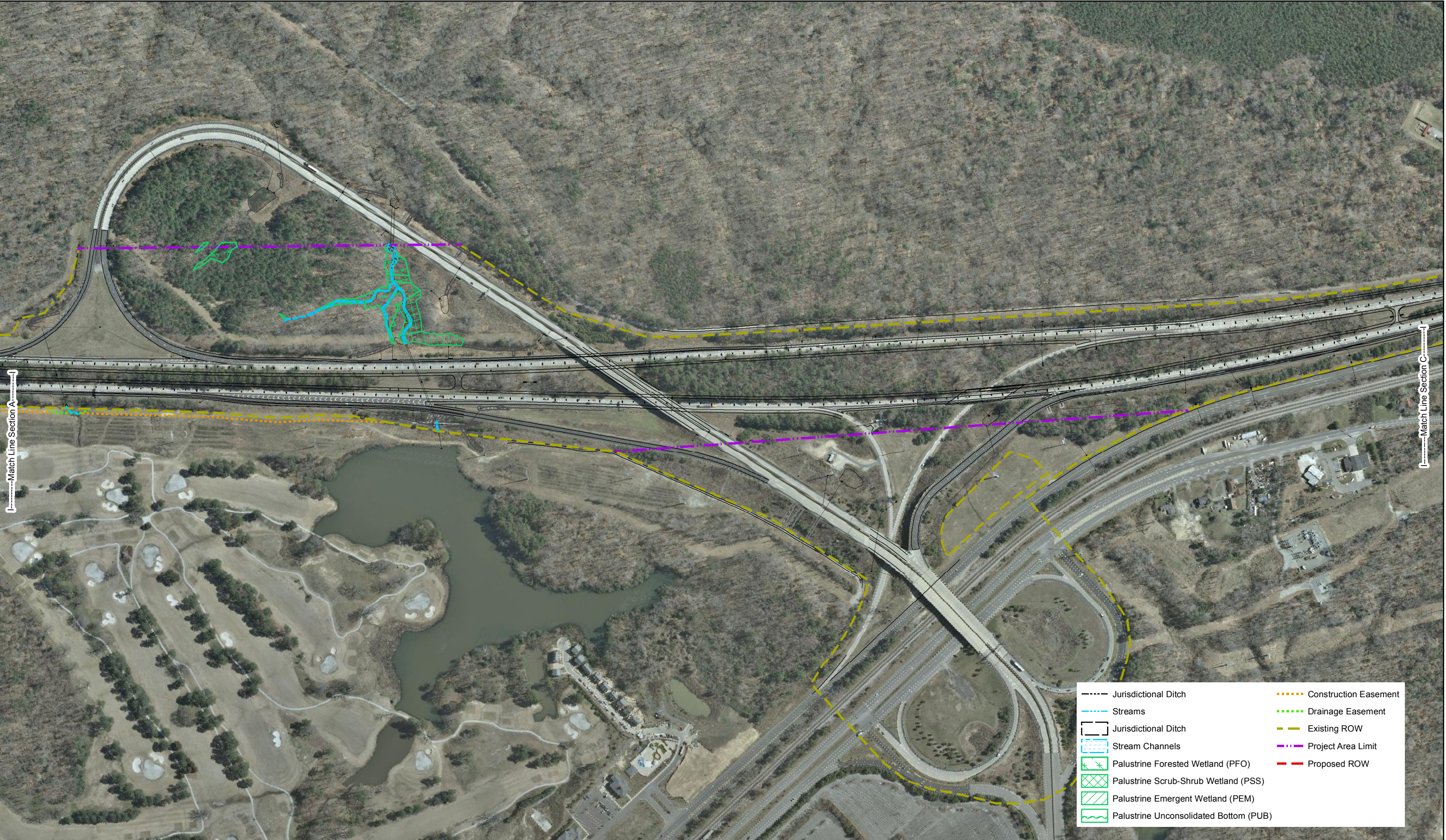
EXHIBIT 4
HYDROLOGIC UNIT CODE MAP
I-64 CAPACITY IMPROVEMENTS
PROJECT: 064-965-264, RW-201, C-501, UPC 106665



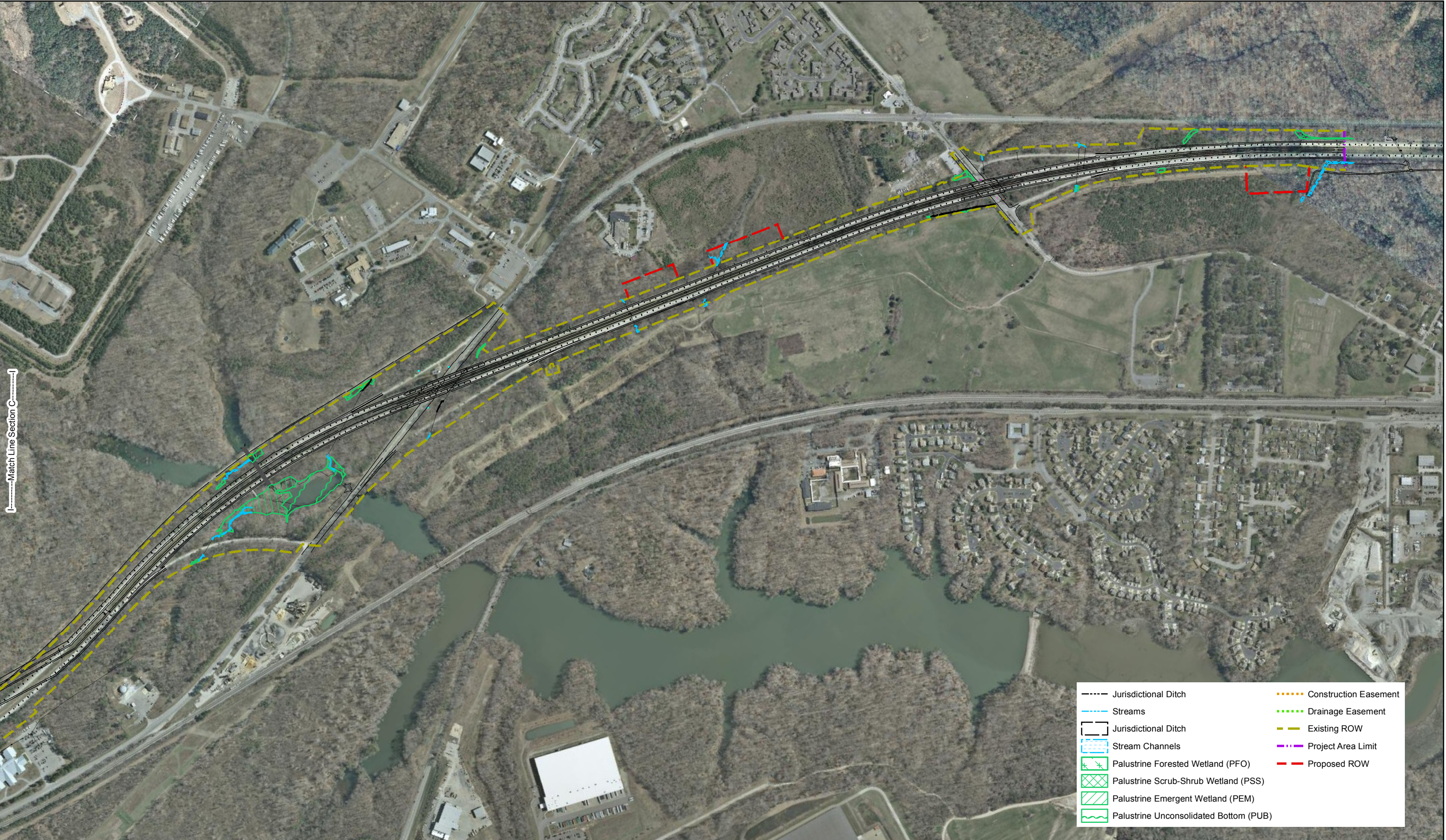
Match Line Section B

- | | |
|--|-----------------------------|
| ----- Jurisdictional Ditch | ----- Construction Easement |
| ----- Streams | ----- Drainage Easement |
| ----- Jurisdictional Ditch | ----- Existing ROW |
| ----- Stream Channels | ----- Project Area Limit |
| ----- Palustrine Forested Wetland (PFO) | ----- Proposed ROW |
| ----- Palustrine Scrub-Shrub Wetland (PSS) | |
| ----- Palustrine Emergent Wetland (PEM) | |
| ----- Palustrine Unconsolidated Bottom (PUB) | |









Match Line Section C

- | | |
|--|-----------------------------|
| ----- Jurisdictional Ditch | ----- Construction Easement |
| --- Streams | --- Drainage Easement |
| ----- Jurisdictional Ditch | --- Existing ROW |
| --- Stream Channels | --- Project Area Limit |
| Palustrine Forested Wetland (PFO) | --- Proposed ROW |
| Palustrine Scrub-Shrub Wetland (PSS) | |
| Palustrine Emergent Wetland (PEM) | |
| Palustrine Unconsolidated Bottom (PUB) | |

